

5 April 1945

TO: Mr. Schoemer

FROM: Lt. Marbach

The following are some examples cited in Volume 7 of Cannon's Precedents:

Sec. 1128. - Granting of quarters as part of the compensation of a civil employee without a proportionate reduction of salary was held to be contrary to law and not to be in order on an appropriation bill.

Sec. 1126. - The law prohibiting purchase of vehicles from appropriations for executive departments without specific authority is merely a limitation on administrative officers and does not support a point of order against items in an appropriation bill.

Sec. 1130. - Payment of cash in lieu of transportation for naval personnel is not authorized by statute and an appropriation for that purpose is not in order on an appropriation bill.

Sec. 1147. - (Appropriation proposed to authorize Postmaster General to expend sums for purchase of aeroplanes etc. Held: authority to carry mail on post roads does not justify point of order sustained).

Sec. 1178. - An appropriation for an automobile, however necessary to the efficient and economical performance of authorized official duties not in order on an appropriation bill unless specifically authorized by law.

Sec. 1194. - Essential equipment for an office authorized by law are in order on an appropriation bill.

Sec. 1197. - Although the purpose for which proposed is sanctioned by the Constitution an appropriation is not in order on general appropriation bills unless authorized by provision of statutory law.

The provision of the Constitution directing the President to make recommendations to Congress was held not to authorize appropriations for agencies to secure information to be used in the discharge of that duty.

Sec. 1200. - A declaration of policy embodied in a statute was held not to authorize appropriation for purposes germane to the policy but not specifically authorized by the

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NB Sec. 1239. - An appropriation for "collection of information at home and abroad" by the naval service was held to be authorized by law.

O.k.'d under statute authorizing President to have vessels cruise coast and render assistance to distressed navigators.

Sec. 1245. - Appropriations for hire of automobiles, hire of launches and rent of offices outside of Navy Yards were held incidental to the maintenance of the Naval Establishment and therefore in order on an appropriations bill.

Sec. 1248. - Power of President to appoint diplomatic representatives is derived from Constitution and may not be circumscribed by statutory enactments.

Sec. 1250. - Appropriation for loss on bills of exchange to and from embassies and legations was held to be in order on an appropriation bill.

Legislation

Sec. 1395. - Provision construing or interpreting existing law is legislation.

Sec. 1409 - ...reenacting verbatim an existing law is not subject to a point of order.

Sec. 1439. - Where law authorized Secretary of Agriculture to sell seed for cash, a proposition authorizing him to sell for credit was held to be legislation.

Sec. 1445. - An amendment descriptive of the object for which an appropriation is made is not legislation.

Sec. 1465. - A proposition to print Government publications outside the Government Printing Office was held to be a change of law.

NB Sec. 1461. - Provision that an appropriation be expended for such purposes as an executive may deem proper was held to constitute legislation, but a provision that it should be disbursed on the approval of the executive was held to be a limitation and in order on an appropriation bill. (1941 - Naval Appropriation bill. - "for all emergencieson approval and authority of secretary of the Navy".

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Sec. 1467. - Allocation of funds for maintenance of autos - o.k. - but appropriation for purchase is legislation.

Sec. 1629. - An amendment to a general appropriation bill may not under form of limitation change existing law.

A provision conferring additional authority upon an official of the Government is legislation and is not in order on an appropriation bill.

Sec. 1628. - A provision which under the guise of limitation repeals or modifies existing law is legislation.

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